

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated July 3, 2006 (hereinafter Office Action) have been considered. Claims 1-35 remain pending in the application. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Claims 5 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. The Applicants thank the Examiner for identifying allowable subject matter. While the Applicants agree that Claims 5 and 30 are each allowable if combined with an independent claim and any intervening claims, the Applicants also believe that the independent claims themselves are allowable, as discussed below.

Claims 1-4, 6-29 and 31-35 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2004/0006623 by *Gourraud et al.* (hereinafter “Gourraud”). The Applicants respectfully traverse the rejection.

Gourraud discloses a “[p]resence Server 232 that is responsible for storing presence status information along with other type of information related to communications subscribers.” ([0048]). Upon receiving notice that a caller is attempting to initiate a communications session with a particular party, the presence server generates a contact list of terminal addresses at which the particular party is available. ([0049]). An application server then sends a message to each of the addresses on the contact list. ([0050]). “In a particular case wherein only certain ones of the plurality of terminals of the called party Bob would have been determined to be available in actions 308-312 [interactions with the presence server], the instant messages is sent to these terminals.” ([0050]). As such, the *Gourraud* reference teaches sending or not sending a message to a particular terminal based on the interrogation of a presence server. *Gourraud* does not teach routing information based on a state of the presence information.

Each of Applicant’s independent Claims 1, 15, 26, 31 and 35 recite some variation of creating routing instructions for routing incoming communication requests targeted for a user based on the state of presence information. The Applicants respectfully submit that in

the rejection of the independent Claims 1, 15, 26, 31 and 35, the Examiner did not give sufficient consideration to the patentable weight of the “route” term.

For example, the Applicant’s FIGS. 7A-7B provides examples routing instructions where a valid destination is selected from a number of possible destinations based on factors such as caller domain and call-type. Another example includes using standard routing when no presence information is received. (Page 13, Lines 9-12). Other examples of routing communications depending on the state of the presence information are provided on page 18, line 24 – page 20, line 12.

Based on the commonly understood meaning of the term “routing” in this context, and in light of the Specification, one of ordinary skill in the art would understand routing, as used in the claims, to be distinguished from the mere sending or not sending of a message to a terminal as disclosed by *Gourraud*. Routing involves at least selecting a destination from two or more possible destinations. In contrast, *Gourraud* uses an all-or-nothing approach and sends the message to all terminals on a contact list generated by a presence server. For example, *Gourraud* describes sending a communication request to three terminals where party “Bob” might be located, the list of terminals being generated by the presence server. ([0049]).

To anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Therefore, all claim elements, and their limitations, must be found in the prior art reference to maintain a rejection based on 35 U.S.C. §102. Applicant respectfully submits that *Gourraud* does not teach each and every element of independent Claims 1, 15, 26, 31 and 35, and therefore fails to anticipate these claims.

Regarding the rejection of dependent Claim 3, the Examiner states that *Gourraud* discloses storing the routing instructions and cites paragraph [0045] of *Gourraud*. Paragraph [0045] of *Gourraud* refers only to a contact database that stores an association between a user’s public ID and contact IDs. However, these database entries are merely

data, and could not be construed as “instructions” as the term is used in the applicable arts. Accordingly, *Gourraud* does not teach storing routing instructions for reference by the network entity upon receipt of the incoming communications requests targeted for the user, as recited in dependent Claim 3.

Regarding the rejection to dependent Claim 4, the Applicants respectfully submit that *Gourraud* does not teach creating routing scripts nor storing the routing scripts for reference by the network entity upon receipt of the incoming communications request targeted for the user, for the reasons discussed above regarding Claim 3. The contacts database of *Gourraud* at most stores a user’s public ID and contact IDs, and thus could not be reasonably construed as storing either instructions or scripts.

Regarding the rejection to dependent Claim 8, *Gourraud* does not expressly or inherently describe registering one or more terminal applications with the network entity, and subscribing the network entity to the presence information of the user in response to the registration of the one or more terminal applications. First, *Gourraud* is silent as to any terminal applications registering with a network entity. *Gourraud* only mentions an application server that queries a presence server in response to an inbound call (see, e.g., FIGS 2 and 4, [0037],[0048]). Secondly, *Gourraud* only describes scenarios where the call session actions are initiated by the caller, and *Gourraud* does not expressly or inherently indicate any communications of terminal applications of the user (e.g., the callee) that may be used to cause a network entity to subscribe to presence data of that user.

Dependent Claims 2-4, 6-14, 16-25, 27-29 and 32-34, which are dependent from independent Claims 1, 15, 26, 31 and 35, respectively, were also rejected under 35 U.S.C. §102(e) as being unpatentable over *Gourraud*. While Applicants do not acquiesce with the particular rejections to these dependent claims, it is believed that these rejections are now moot in view of the remarks made in connection with independent Claims 1, 15, 26, 31 and 35, notwithstanding the above arguments regarding the dependent claims. These dependent claims include all of the limitations of the base claim and any intervening claims, and recite additional features which further distinguish these claims from the cited reference.

Therefore, dependent Claims 2-4, 6-14, 16-25, 27-29 and 32-34 are also not anticipated by *Gourraud*.

As such, the Applicants respectfully request withdrawal of the §102(e) rejection of Claims 1-4, 6-29 and 31-35 and notification that these claims are in condition for allowance.

It is to be understood that Applicants do not acquiesce to Examiner's characterization of the asserted art or Applicant's claimed subject matter, nor of the Examiner's application of the asserted art or combinations thereof to Applicant's claimed subject matter. Moreover, Applicants do not acquiesce to any explicit or implicit statements or conclusions by the Examiner concerning what would have been obvious to one of ordinary skill in the art, obvious design choices, alternative equivalent arrangements, common knowledge at the time of Applicant's invention, officially noticed facts, and the like. Applicants respectfully submit that a detailed discussion of each of the Examiner's rejections beyond that provided above is not necessary, in view of the clear absence of teaching. Applicants, however, reserve the right to address in detail the Examiner's characterizations, conclusions, and rejections in future prosecution.

Authorization is given to charge Deposit Account No. 50-3581 (NOKM.066PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact him to discuss any issues related to this case.

Respectfully submitted,

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